(5)

C-F100

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.).

WRIT PETITION NO. 1492 OF 2001

PETITIONER : Mela Ram, son of Shri Panch Ram, aged about 37 years, Sarpanch, Gram Panchayat Gogaon Block Dharsiva, Dist. Raipur (C.G.).

P. R. No. 1606/01
Presented by Shri G.R. Sahu
Dated 16.8.01

VERSUS

RESPONDENTS : 1) The State of Chhattisgarh, Through : Collector Raipur.

2) The Sub Divisional Officer (Revenue) Raipur (C.G.).

3) Dharam Das, son of Late Pyarelal Satnami, aged about 26 years, resident of village - Gogaon, Police Station - Khamtarai, Distt. Raipur (CG)

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

# आदेश पत्रक

**W.P.No.1492/2001**

**मामला क्रमांक ..... सन् 200**

**विरुद्ध**

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

15.04.2002

Shri P.P. Sahu, counsel for the petitioner.

Shri Sanjay K. Agrawal, Deputy Advocate General for respondents No.1 and 2.

Shri D.N. Prajapati, counsel for respondent No.3/complainant.

By this writ petition, the petitioner is challenging the Order dated 06.8.2001 passed by the Additional Collector, Raipur, whereby the application for staying the impugned order passed by respondent no.2, has been rejected.

The petitioner was elected as a Sarpanch from the reserved seat of Scheduled Caste i.e. Gram Panchayat Gogaon in the district of Raipur. It is submitted that after election to the Gram Panchayat, respondent no.3 challenged the caste of petitioner by filing an application u/s 39/40 of the Panchayat Raj Adhiniyam before Respondent No.2/the sub-Divisional Officer who is the prescribed authority under the Act. Petitioner submits that the School Certificate issued by

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## आदेश पत्रक

मामला क्रमांक W.P. 1492 सन् 2001

विरुद्ध

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित -2- | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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the Head Master demonstrates that he belongs to the Schelduled Caste. But, by order dated 12.07.2001 respondent no.2 has removed the petitioner from the post of Sarpanch ignoring the School Certificate. Against this order, petitioner preferred appeal before the Collector u/s 91 of the said Act read with Rule 3 of M.P. Panchayat (Appeal and Revision) Rules 1995 and the appellate authority while rejecting the application for interim stay filed by the petitioner, fixed the case for 14.8.2001 for hearing on merits. Being aggrieved by the order passed by the appellate authority, petitioner has filed this petition on 16.8.2001 before this Court.

By order dated 20-8-2001, this Court has granted stay.

Having thus considered the facts and circumstances of the case and material on record, in the opinion of this Court ends of justice would serve if a direction is given to the Collector to decide the mater on merits in accordance with law, as early as possible preferably within 3 months from the

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# आदेश पत्रक

मामला क्रमांक W.P 1492 सन् 200 |

विरुद्ध

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित -3- | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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| | date of receipt/production of a copy of this order. Till final decision of the appellate authority, the impugned orders shall remain in abeyance.<br>Parties shall render their cooperation during the course of final arguments.<br>This petition is disposed of with the direction aforesaid.<br>Certified Photocopy be supplied.<br>**Sd/-**<br>**Fakhruddin**<br>**Judge** | |